

P21790.A03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Armin SCHLEMMER et al.

Group Art Unit: 3723

Appln. No : 10/045,042

Examiner: Unknown

Filed : January 15, 2002

For : CUTTING TOOL AND INDEXABLE INSERT

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3  
4/12  
6-4-02  
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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. Sections 1.56, 1.97, and 1.98, Applicants hereby submit the following documents for the Examiner's consideration:

Applicants submit herewith an Austrian Office Action dated July 25, 2001 issued in connection with Austrian Patent Application No. 88/2001 , which is a counterpart of the instant application. In particular, the Austrian Examiner cited the following:

- (1) U.S. Patent No. 4,047,826 issued to Bennett September 13, 1977;
- (2) U.S. Patent No. 3,289,272 issued to Stier December 6, 1966; and
- (3) U.S. Patent No. 4,844,669 issued to Tsujimura et al. July 4, 1989.

Further, Applicants note that the Austrian Examiner noted the following with regard to the cited documents:

The features of claims 1, 5 and 8 are essentially anticipated by U.S. patent no. US 4

047 826 A (Bennett, September 13, 1977). Only the special outer contour of the hexagonal indexable insert cannot be taken from this patent. However, this measure can be taken from US 3 289 272 A (Stier, October 13, 1964, cf. Fig. 4). Since assignments in the same field are not patentable, the subject matters of claims 1 and 5 lack inventiveness.

US 4 844 669 A (Mitsubishi, July 4, 1989, cf. Fig. 11, 12) also anticipates the subject matter of claim 1 in about the same way as the patent mentioned at the outset. The latter patent also discloses the features of claims 2 through 4.

A new restricted application for protection is thus expected.

Applicants further submit herewith an Austrian Office Action dated January 3, 2002 issued in connection with Austrian Patent Application No. 88/2001 , which is a counterpart of the instant application. The Austrian Examiner did not cite any documents, but noted the following with regard to the Austrian Application.

There is currently no objection to claims 1-12 filed with the response of October 23, 2001. A new adjusted Specification and an Abstract therefore need to be filed.

Copies of the above-listed documents (along with the Austrian Office Actions) are enclosed as is a completed copy of the PTO-1449 Form listing these documents. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the PTO-1449 Form with the first official communication.

Applicants note that while this Supplemental Information Disclosure Statement is being filed more than three months from the date of filing, Applicants have not received a first action on the merits from the U.S. Patent and Trademark Office. Accordingly,

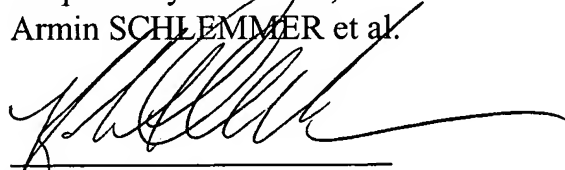
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consideration of the enclosed documents is requested under 37 C.F.R. 1.97(b)(3).

However, if the first action on the merits has been mailed prior to the filing date of this Information Disclosure Statement, Applicant hereby authorizes the Commissioner to charge any fees necessary to ensure consideration of the documents cited herein to Deposit Account No. 19-0089.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Armin SCHLEMMER et al.



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May 15, 2002  
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